

1 - Mr. Colwell 1 - Mr. Otto (ATTN: [redacted])
1 - Mr. Bailey 1 - Mr. Mullen
1 - Mr. Mintz 1 - Mr. Monroe

4/11/80

b6
b7C

To: SAC, Washington Field
From: Director, FBI

GARY THOMAS ROWE, JR.
DEPARTMENT OF JUSTICE
TASK FORCE REPORT
LEAK TO PRESS;
PRIVACY ACT;
PERSONNEL MATTER

1 - Mr. Mignosa
1 - Mr. Lawn
1 - [redacted]
1 - [redacted]
1 - [redacted]

Re J. C. Lawn to Mr. Mullen memorandum, 2/28/80;
Philip B. Heymann memorandum to the Director dated
March 11, 1980, and Buairtel to WFO dated 4/8/80.

Enclosed for WFO are 2 copies each of the
following:

- (1) Department of Justice, Office of Professional Responsibility, memorandum dated 2/19/80, with 2 "New York Times" articles attached, dated 2/17 & 18/80;
- (2) Heymann memorandum to the Director dated March 11, 1980;
- (3) A typed paper dated 4/8/80, of Shaheen's record of dissemination of the Rowe Task Force report.

187-66-X
9 MAY 9 1980

Also enclosed is the original of the Task Force report dated July, 1979, further described in the body of this communication, which was received from Mr. Shaheen on 4/8/80.

Referenced memorandum dated 2/28/80, advised that the Bureau investigation into this matter should be held in abeyance due to the fact that the Public Integrity

Assoc. Dir. _____
Dep. AD Inv. _____
Dep. AD Inv. _____
Asst. Dir. _____
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
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Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

WDK:DJC:bam (14)

SEE NOTE PAGE 5

MAIL ROOM

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FBI

TRANSMIT VIA:

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4/25/88

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1 TO: DIRECTOR, FBI
 2 (ATTN: UNIT CHIEF
 3 R-5131, TL 233)

4 *WT* FROM: SAC, WMFO (187-9) (C)
 5 GARY THOMAS ROWE, JR.,
 6 DEPARTMENT OF JUSTICE,
 7 TASK FORCE REPORT,
 LEAK TO PRESS, PRIVACY ACT,
 PERSONNEL MATTER
 (OO:WMFO)

8 Captioned matter was inadvertently never closed.
 9 A review of the case file would indicate no additional
 investigative activity required.

10 WMFO is placing captioned matter in a closed
 11 status.

12 *ENCL: KHM*
 13 2-Bureau
 14 2-WMFO

15 *18 APR 17 1988*
 16 KHM:tfm
 17 (4)

18 Approved: _____ Transmitted _____ Per _____
 19 (Number) (Time)

18 APR 17 1988

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Airtel to SAC, WFO
RE: GARY THOMAS ROWE, JR.

"7/30/79 - Memo to Dir. Webster forwarding cy
Rowe Task Force Report

7/30/79 - Memo to AG forwarding cy Rowe Task
Force Report

7/30/79 - Memo to DAG forwarding cy of Rowe
Task Force Report

(Copies of memo and report to: Mike Kelly, Phil Jordan,
Frederick Baron, Charles Ruff and Paul Michel)

8/15/79 - Memo to John Farley, Civil Division w/cy
Rowe Task Force Report

10/13/79 - Buckslip to Alan Kornblum w/cy Rowe Task
Force Report."

[Redacted]
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b7C

Mr. Shaheen stated two other Task Force members are currently employed at the Department of Justice. Mr. John R. Fleder is the Assistant Chief of Consumer Affairs, Antitrust Division, phone number [Redacted] and William M. Logan is in the Criminal Section of the Tax Division, phone number [Redacted]. [Redacted] Mr. Sheheen advised that to his knowledge Mr. Hornblower resides at [Redacted] Washington, D. C., telephone number [Redacted]. Mr. Sheheen advised that [Redacted]
[Redacted]

Airtel to SAC, WFO
RE: GARY THOMAS ROWE, JR.

[redacted]
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Mr. Shaheen provided the FBIHQ representatives with a copy of the Task Force report entitled "THE FBI, THE DEPARTMENT OF JUSTICE AND GARY THOMAS ROWE, JR.," dated July, 1979, prepared by "Ralph Hornblower, III, Donald R. Burkhalter, John R. Fleder, William M. Logan, Marydale Drury, Researcher, from the Office of Professional Responsibility, Office of the Attorney General, United States Department of Justice, which consists of 269 pages of the report proper, plus Appendix I from page 1 - 7; Appendix II - pages 8 - 11 and Appendix III-A, pages 12 - 28, Appendix III-B - pages 29 - 48, and Appendix III-C - pages 49 - 51, are attached following page 269.

[redacted]
[redacted]

Airtel to SAC, WFO
RE: GARY THOMAS ROWE, JR.

NOTE: This communication provides a summary of investigation conducted by FBIHQ personnel, as well as background information, including enclosures of documents, to provide WFO with adequate information to initiate the investigation. FBI personnel referred to in the communication are as follows: Interview of Kathie Levitz was conducted by SA [redacted] interview of Michael E. Shaheen, Jr., was conducted by SAs [redacted] and [redacted]

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APPROVED: Airtel, Gary [redacted] [redacted] [redacted]

CC: [redacted] [redacted] [redacted] [redacted]

memorandum

DATE:

REPLY TO
ATTN OF:

OPR

SUBJECT: Request for Criminal Investigation of Unauthorized Disclosure of Rowe Task Force Report

TO: Philip B. Heymann
Assistant Attorney General
Criminal Division

Attached are two articles from the New York Times dated February 17 and 18, respectively, that indicate an unauthorized disclosure of the Rowe Task Force Report may have occurred. This report was completed by a task force of four attorneys under the direction of this Office and copies had been forwarded to the Offices of the Attorney General, the Acting Deputy Attorney General, and the Director of the Federal Bureau of Investigation for their consideration.

Because we believe there may be violations of the criminal sanctions of the Privacy Act, as well as violations of Rule 6(e), Federal Rules of Criminal Procedure, it is requested that you initiate a criminal investigation of this apparent unauthorized disclosure. Since all members of this Office, as well as the Task Force members, had the capability of being the source of the unauthorized disclosure, I am recusing this Office from participation in any investigation. However, we will cooperate fully with any inquiry you may initiate.

Signed: Michael E. Shaheen, Jr.

Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

cc: Attorney General
Director, FBI
Acting Deputy AG
Thomas Henderson



187-69-1
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Federal Report Says Hoover Barred Trial for Klansmen in '63 Bombing

Finds F.B.I. Director Blocked Prosecution Twice After Agents Named 4 Suspects in Fatal Alabama Blast

By HOWELL RAINES

Special to The New York Times

BIRMINGHAM, Ala. — J. Edgar Hoover blocked prosecution of four Ku Klux Klansmen identified by agents of the Federal Bureau of Investigation as the bombers who killed four black children at the 16th Street Baptist Church here in 1963, according to a Justice Department report.

As a result, it was 14 years before one of the Klansmen, Robert E. Chambliss, was convicted of murder. The conviction came five years after the death in 1972 of Mr. Hoover, who was director of the F.B.I. The other three Klansmen identified as alleged accomplices have never been indicted.

The report, obtained by The New York Times, also discloses that a fifth suspect in the bombing was hired by the F.B.I. as a paid informer two months after the chil-

dren died, despite polygraph, or lie-detector, results that convinced bureau agents that he had been involved in the crime.

The Klansman worked for the F.B.I. for two years even though the bureau considered him so dangerous that, in 1964, it warned the Secret Service to keep him under surveillance as a threat to the President, the report states. In addition, it says that field agents knew the informer engaged in attacks on blacks while on the bureau's payroll.

The disclosures are contained in a 302-page document compiled by a Justice Department panel assigned to investigate separate but related allegations involving another F.B.I. informer, Gary Thomas Rowe Jr. The department study was begun in an effort to determine whether Mr. Rowe was involved in racial crimes while he was on the payroll as the F.B.I.'s chief informer inside the Birmingham Klan in the 1960's.

The report of the Rowe Task Force was completed seven months ago, but the Justice Department has refused to release it. An official said its release could prejudice an impending trial of Mr. Rowe, who is under indictment for murder in the 1963 death of Viola Gregg Liuzzo, a white civil rights marcher from Detroit. However, there is speculation, some of it within the Justice Department, that the report is being withheld because the Senate Judiciary Committee is drafting a new F.B.I. charter that could impose stricter rules on the use of informers.

No Evidence on Killings

The task force of four lawyers reported that F.B.I. agents knew about and apparently covered up Mr. Rowe's involvement in nonfatal attacks on blacks. But the lawyers added that there was "no evidence from F.B.I. files" to support allegations that Mr. Rowe was also involved in the bombing of the 16th Street Baptist Church. What the task force did find were bureau documents showing the previ-

ously undisclosed role that Mr. Hoover played in blocking prosecution in the case, which involved the largest number of deaths in a single incident in the civil rights movement era in the South.

The report shows that by December 1964, the Birmingham F.B.I. office had made what one of Mr. Hoover's top aides called "a significant breakthrough" in the case. Field agents had eyewitness testimony from three persons who said they saw Mr. Chambliss and three associates near the church about eight hours before the bomb exploded.

"The Birmingham field office urged the bureau to present this evidence to the Department of Justice in order to obtain a prosecutive opinion," the report states, "but Director Hoover overruled, explaining that the 'chance of successful prosecution... is very remote'."

The report states that, five months later, the Birmingham office tried again, assuring Mr. Hoover that it had strong evidence, "that the bombing was the handiwork of former Klansmen, Robert E. Chambliss, Bobby Frank Cherry, Herman Frank Cash, Thomas E. Blanton Jr." and probably a fifth man, now deceased.

Climate of Outrage Cited

The memorandum further argued that the case should be tried in an Alabama state court "due to the climate of public opinion favoring prosecution." This apparently meant that white outrage over the murder of children was so great that the usual difficulties in trying racial cases in Birmingham would not be a problem. The F.B.I.'s Special Agent in Charge at Birmingham asked for permission to meet with the United States Attorney and the local prosecutor, as well.

Mr. Hoover responded that "the chance of prosecution in state or Federal Court is very remote," according to the task force report, and he ordered that no meeting take place with the prosecutors.

Moreover, the task force concluded, Mr. Hoover saw to it that the Justice Department received only limited information. The report said that, on a note to an aide, Mr. Hoover wrote, "We must not give a 'blow-by-blow' account" to the Justice Department "because it will appear in The [Washington] Star or The Saturday Evening Post."

In another F.B.I. memo, Mr. Hoover is quoted as upbraiding his staff for telling the Justice Department too many details about the investigation. "All we should have told the department," he said, "was that we had already augmented our staff at Birmingham and not given details." In the end, the task force found, the full account of what the F.B.I. knew about the bombing was never passed to Mr. Hoover's Justice Department superiors.

cont'd

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Account of bombing

"Consequently," the task force wrote, "the church bombing case never even reached a grand jury until 1977." As it happened, the Alabama trial jury that convicted Mr. Chambliss in 1977 heard less direct evidence than was available to Mr. Hoover in 1964, when the Director ruled against prosecution.

In describing the information that went to Mr. Hoover, the report provides the most detailed account to come to light of how the F.B.I. believed the bombing took place. The account was based on F.B.I. interviews with two Birmingham men who knew the Klansmen and who appear in the report under the pseudonyms Dale Tarrant and Abingdon Spaulding.

They told the bureau of seeing the four Klansmen near the church at 2 A.M., about eight hours before a dynamite bomb went off during Sunday services. It was alleged that Mr. Blanton was at the wheel and Mr. Chambliss in the back seat of a car that drove away while either Mr. Cash or Mr. Cherry approached the church "carrying something by a handle."

The report states that four or five minutes later, one of the witnesses saw the car a block away "with Chambliss, Blanton and a third individual, presumably Cash or Cherry, waiting inside." The witness, Mr. Tarrant, then saw the fourth man coming toward the car from the church.

Confirmation by Witness

The report said this account was confirmed in part by a third witness, Kirthus Glenn of Detroit, who said she saw Mr. Chambliss sitting near the church in a car she later identified as belonging to Mr. Blanton. Mrs. Glenn was a key witness in the 1977 trial that sent Mr. Chambliss to prison for life. The names of the other three men surfaced in the investigation and at the trial of Mr. Chambliss, but no charges were filed against them.

The report notes that Mr. Tarrant has

since recanted his statement to the F.B.I. and that a polygraph test later cast doubt on his story. But the report, noting that his story was independently confirmed by Mrs. Glenn's, suggests that fear of Klan reprisals may have caused Mr. Tarrant's switch. At the time Mr. Hoover ruled that the case was not ready for trial, one F.B.I. report indicates, Mr. Tarrant was willing to testify.

Mr. Chambliss and the three others that the task force report identifies were members or close associates of Eastview Klavern 13, the violent Klan cell here that Mr. Rowe infiltrated. The report shows that Mr. Rowe did not have extreme racial views when asked by the F.B.I. to join the Klan in 1960. But as a member of Klan "action squads," he soon became involved in violent attacks on blacks that his F.B.I. control agents, or "handlers," ignored or failed to report, according to the task force.

Field agents told the task force that

violence against blacks was essential, if regrettable, to maintaining an informer's cover as a militant segregationist. This theory allowed for the hiring of the informer who was reported to the Secret Service. He appears in the task force report under the pseudonym "Huey Lipscomb." His real name, according to other documents obtained by The Times, was John Wesley Hall. Now deceased, Mr. Hall was a convicted felon known by the Klan nickname of "Nigger."

Value in Violent Nature

Mr. Hall's agent "handler," Robert Murphy, told the task force that Mr. Hall's value as an informer lay in his violent nature. "If you want to catch fish," Mr. Murphy said, "you've got to go into the water."

F.B.I. documents make it clear that this view was shared in Washington. The bureau headquarters was informed when Mr. Hall was first contacted as a potential informer that agents in Birmingham believed that Mr. Hall "undoubtedly participated in some of Birmingham's minor bombings."

At the time of Mr. Hall's hiring, Mr. Hoover's office had also been informed that Mr. Hall had taken a polygraph test that indicated he "has knowledge of the bombing of 16th Street Baptist Church and may have participated in some way in the bombing or the planning thereof."

Mr. Hoover's office had also been informed that Mr. Hall had once volunteered to kill the Rev. Fred L. Shuttlesworth, the city's leading black civil rights leader, as part of a Klan assassination plot exposed by Mr. Rowe. F.B.I. headquarters in Washington also had on file a report that Mr. Hall was part of an aborted plot to blow up an integrated Holiday Inn in Knoxville, Tenn.

Warnings Said to Be Futile

Mr. Hall was candid with his F.B.I. contacts in Birmingham. He told the agents who recruited him that he had transported for Mr. Chambliss dynamite that might have been used to blow up the church, the task force report said. He also assured agents that while he would avoid major acts of violence, he was "not now averse to 'knocking a nigger on the head.'"

Even so, the task force found, there is

no record in F.B.I. files that agents advised Mr. Hall "not to take part in violence or that they ever considered terminating him after learning that he admitted having done violence to blacks." Warnings would have been futile, Mr. Murphy told the task force. "It just was not in the man's constitutional makeup," he said, "to not engage in violence."

In lieu of warnings, Mr. Murphy said, he adopted the policy of reporting all details of Mr. Hall's violence except: "how much blood ran out of the wound."

The task force report offers little evidence to indicate that the F.B.I. might have signed up Mr. Hall as an informer in hopes of convicting him. Mr. Rowe, for instance, told the F.B.I. that Mr. Hall

was involved in the bombing of a black lawyer's home and in the explosion on Sept. 25, 1963, of two shotgun bombs apparently intended to kill blacks and police officers, the task force report said. But these charges seem to have generated little, if any investigative activity. A report that Mr. Hall struck a white tractor-trailer with a battery cable was dismissed as a matter for the local police. Once Mr. Hall became an informer, efforts to explore his role in the church bombing seemed to lessen, according to F.B.I. documents examined by the task force.

\$420 Paid Over 2 Years

Mr. Hall was a good enough informer for the Birmingham office to ask Washington to upgrade him from probationary to full informer status. In two years, Mr. Hall received \$420 from the F.B.I., a pittance compared with the \$22,000 Mr. Rowe received, but it was Mr. Hall, unaware that Mr. Rowe also worked for the F.B.I., who warned the bureau that Mr. Rowe might be planning the violence he was hired to monitor.

Mr. Hall told the F.B.I. that Mr. Rowe was one of three members on Eastview's Klavan, or security committee, the task force found. According to Mr. Hall, "any violence which came from Eastview Klavern 13 would have to be okayed by all three of these individuals," including Mr. Rowe. Mr. Hall added that the year in which Mr. Rowe held this power was 1963, when, according to the F.B.I., present or former Eastview members and their associates bombed the 16th Street Church.

The task force could find no record that the bureau ever investigated to see if Mr. Rowe, in fact, held veto power over Klan violence. Nor could the task force find any evidence that the F.B.I. ever investigated another tip about Mr. Rowe from Mr. Tarrant, the informer who provided the main information about the bombing. He listed Mr. Rowe among 11 Klansmen who, while not direct participants, "had knowledge" of the church bombing.

In 1977, when the Alabama authorities reopened the church-bombing case, Mr. Rowe voluntarily took two polygraph tests that seemed to confirm what Mr. Tarrant told the F.B.I. in 1964. One examiner said Mr. Rowe "showed strong and consistent unresolved deception responses" when he denied being with the men who placed the bomb. A second examiner, selected by Mr. Rowe, concluded that his "deceptive" answers were of the kind seen on the polygraph "when a person is withholding vital information" about "crime rather than covering his own participation."

But The Rowe Task Force report makes no mention the polygraph tests, which are in the files of Alabama investigators contacted by the task force.

F.B.I. COVER-UP SEEN IN 60'S KLAN ATTACKS

Justice Dept. Study Finds Agents Ignored Violence by Informer

By HOWELL RAINES

Special to The New York Times

BIRMINGHAM, Ala. — Agents of the Federal Bureau of Investigation knew about and apparently covered up involvement in violent attacks on blacks, civil rights activists and journalists by its chief paid informer inside the Ku Klux Klan in the early 1960's, according to a Justice Department report.

But department investigators found no conclusive evidence to support allegations that the informer, Gary Thomas Rowe Jr., was also involved in a series of racial killings while on the bureau payroll from 1960 to 1965, according to the report, which was obtained here by The New York Times.

The investigators found that Mr. Rowe was a leader in the Klan beatings here of Freedom Riders in 1961 in the incident that ushered in three years of violent racial confrontation in Birmingham.

The report also criticizes the bureau for failing to protect the Freedom Riders after its Director, J. Edgar Hoover, was

informed in advance about the ambush and was informed that Mr. Rowe, armed with a lead-weighted baseball bat, would lead one of the Klan attack squads.

The Justice Department investigation of Mr. Rowe began in 1978 after The Times reported that the Birmingham police suspected him in the 1963 church bombing that killed four black girls and that Mr. Rowe had told the Alabama authorities he had killed a black man in 1963 and the F.B.I. had covered it up.

Griffin B. Bell, the Attorney General in 1978, also ordered investigators to determine if Mr. Rowe was involved in the murder of Viola Gregg Liuzzo, a civil rights demonstrator from Detroit, for which he was indicted when the Alabama authorities reopened their inquiry into the 1965 slaying.

Seven-Month Delay

The four lawyers assigned by Mr. Bell to the Rowe investigative force submitted their 302-page report seven months ago. But the Justice Department refused to release it for a variety of reasons that a department official said included confidentiality, a change in Attorneys General and concern about prejudicing any trial involving Mr. Rowe.

The delay led to speculation, including some from department sources, that the report had been withheld because the Senate Judiciary Committee was drafting a new charter for the bureau. The department was said to fear that disclosures of illegal conduct by Mr. Rowe could lead Congress to impose stricter rules on the use of paid informers.

The investigative force found that the bureau had no clear guidelines in the 1960's prohibiting violence by informers, but, noting that such rules were imposed in 1975, it made no new recommendations on the handling of informers.

In their report, the investigators drew no absolute conclusions as to Mr. Rowe's guilt or innocence in racial killings.

The report asserts that the investigators found "no evidence" to support Mr. Rowe's contention that he shot a black man in self-defense in a 1963 race riot in Birmingham. However, the report confirms that as early as 1965 Mr. Rowe had told one of his "handlers," or control agents, that such a death took place, and it confirms that the bureau did not investigate the matter.

Veto on Klan Violence

Similarly, the investigators "discovered no evidence from F.B.I. files linking Rowe to the church bombing or suggesting that the F.B.I. ever considered him a suspect." But some of the force's discoveries raise questions about the "no evidence" finding and the bureau's behavior.

For example, the investigative force found that the bureau did not investigate a report from a Klan source that Mr. Rowe had veto power over all violence planned by the Klan's Eastview 13 Klavern in 1963, the year members, former members and associates of the klavern allegedly bombed the 16th Street Baptist Church. The report makes no mention of the fact that Mr. Rowe twice failed poly-

graph or lie-detector tests in which he denied a role in the bombing.

In the Liuzzo slaying, the report cautiously asserts that the bureau and the Justice Department never suspected that Mr. Rowe fired the fatal bullet when the Detroit woman died in gunfire from a car carrying Mr. Rowe and three fellow Klansmen. Mr. Rowe was the Government's key witness in the trials that sent 14 Klansmen to prison. The convicted Klansmen have not testified that Mr. Rowe fired the fatal shot, and Mr. Rowe failed a polygraph test to which he submitted voluntarily on an ABC News television program.

Mr. Rowe, who lives in Savannah, Ga., under a new identity provided by the Justice Department, is fighting extradition to Alabama for trial on a first-degree murder charge in the Liuzzo killing. Mr. Liuzzo's children are suing the Government on the allegation that the bureau, by allowing its informer to participate in criminal conduct, contributed to their mother's death.

Different Accounts of Slaying

The investigative force's report cited "jarring discrepancies" in Mr. Rowe's accounts of Mrs. Liuzzo's death, but it stated no conclusion because of the impending murder trial.

The report is more conclusive as to Mr. Rowe's involvement in nonfatal Klan attacks. In general, the investigative force supports Mr. Rowe's contention that bureau agents initially warned him not to become involved in violence but later ignored or accepted his participation in Klan "missionary work" as essential to maintaining his cover. Field agents apparently covered up Mr. Rowe's violence, the report concludes, by failing to report

it to their superiors and by disregarding indications of illegal conduct.

While unable to measure "the true extent" of Mr. Rowe's violence, the force documented six occasions when agents had clear reports of his assaults. Efforts to control Mr. Rowe were uneven. Bureau officials, for example, insisted at one point that he resign as a leader, but not as a member, of a Klan "action squad." But Mr. Hoover ignored a report that Mr. Rowe helped "beat up several Negroes" at an integrated park only 10 days after the director cautioned against instigation of violence by informers.

"Reports that Rowe was deeply involved in Klan violence apparently never triggered investigations into precisely what he was doing with his Eastview associates," the task force report states. "As long as he was providing good intelligence, the Birmingham field office appeared willing to overlook Rowe's own involvement."

"While the files do not say so specifically," the report says, "it seems clear that he was simply too valuable to abandon."

Freedom Rider Incident

The centerpiece of the report is a description, based on F.B.I. records, of the Freedom Rider incident of May 14, 1961, in which members of the Congress of Racial Equality were assaulted at the Trailways Bus Station in Birmingham. The account offers a conclusion on the central question whether Mr. Rowe, who received \$22,000 from the bureau from 1960 to 1965, ever instigated the Klan violence he was hired to observe.

The investigators found that "of the hundreds gathered for the CORE bus arrival, Rowe was one of the handful most responsible for the violence at the bus

The evidence available to an agent "within hours of the incident," the report said, "was such that it would have been difficult for him not to have known the full extent of Rowe's involvement." It adds, "However, there is nothing in F.B.I. files which indicates he brought this information to the attention of Birmingham's Special Agent in Charge or Headquarters." In The Times's copy of the report, the name of the agent to whom evidence was available is deleted, as are the names of three other agent "handlers."

According to the investigative force, Mr. Rowe was among the Klansmen who attacked George Webb, a black man waiting in the terminal to meet his fiancée. Mr. Rowe was photographed as he held Mr. Webb while others beat the man. The report said the same group chased the newspaper photographer and beat him unconscious and then confronted a second photographer who had filmed the beating of the first.

Street Fight With Blacks

The second photographer later identified Mr. Rowe as the man who took away his camera. But he credited Mr. Rowe with preventing another man from beating him with a pipe, the report said.

The report states that Mr. Rowe and two other men rushed a radio reporter and that Mr. Rowe kicked out his automobile window so a microphone could be ripped from the dashboard. Then, the reporter was jerked from the car, thrown to the ground and slammed against a wall, the report says. Mr. Rowe, evidently armed by this time with a blackjack, swung at the reporter and, Mr. Rowe later assured the bureau, missed.

Later that evening, the report says, Mr. Rowe returned to the bus station and, in a street fight with a group of black men, suffered a throat cut that required eight stitches.

The investigative force found clear evidence that F.B.I. agents in Birmingham knew that Mr. Rowe was involved in the violence. The bureau, for example, gave him \$50 for medical expenses from the fight and a \$125 bonus "for services rendered." Other evidence includes Mr. Rowe's admission, in bureau files, that he broke the radio reporter's window, got into the street fight and seized the photographer's film. There is also a photograph, found in bureau files, that shows Mr. Rowe, his back to the camera, assaulting Mr. Webb.

Messages to Director

When questioned by the investigative force in 1979, the agent in charge of Mr. Rowe at that time immediately recognized him in the photograph. Bureau documents from 1961 show that the agent and Mr. Rowe drew up a numbered list of persons in the photograph and sent the list to Washington. But the space beside Mr. Rowe's number was blank, and the bureau's Birmingham office assured Washington that Mr. Rowe "was not personally involved at the Trailways bus depot."

Although the names of Mr. Rowe's four "handlers" were deleted from The Times' copy of the report, bureau documents indicate that the handler at the time of the Freedom Riders was Barrett G. Kemp, the agent who recruited Mr. Rowe to join the Klan. Other agents who have acknowledged working with Mr. Rowe are Byron McFall, now retired; J. Brooke Blake, now a bank officer in Atlanta, and Neal Shanahan, an agent in Philadelphia.

The investigative force also found messages in bureau files in Birmingham indicating that Mr. Hoover was informed in advance that the Birmingham police and the Klan, with Mr. Rowe as a go-between, were plotting to ambush the Freedom Riders.

One teletype message from the Birmingham office to Mr. Hoover quoted the segregationist Police Commissioner at the time, Eugene T. (Bull) Connor, as saying that he wanted the riders beaten until "it looked like a bulldog got a hold of them." Mr. Hoover was also informed that the police had promised the Klan 15 to 20 minutes to beat the riders.

F.B.I. Inaction Criticized

Bureau files show that Mr. Hoover was further informed that Mr. Rowe had been appointed to lead one of the attack squads at the bus terminal.

The report states that "in hindsight, it is indeed unfortunate that the bureau did not take additional action to prevent violence, such as notifying the Attorney General and the United States Marshal Service, who might have been able to do something." "The bureau did conduct an exhaustive investigation after the incident, except perhaps as to Rowe's involvement," it adds.

The Rowe investigative force was directed by Ralph Hornblower 3d, a former Justice Department lawyer. Its members were three Justice Department lawyers, Donald R. Burkhalter, John R. Fieder and William M. Logan, and a Justice Department researcher, Marydale Drury.

The task force operated under the supervision of Michael Shaheen, counsel in the Office of Professional Responsibility in the Justice Department.

Although its main mission was to investigate Mr. Rowe's alleged wrongdoings, the force discovered that a tip by the informer possibly prevented the assassination of the Rev. Fred L. Shuttlesworth, Birmingham's main black civil rights leader. According to bureau documents, a Klan Grand Dragon told Mr. Rowe of a plan to have Mr. Shuttlesworth stabbed to death at a lunch counter sit-in and that Mr. Rowe reported this to agents. The force found that the bureau warned Mr. Shuttlesworth to stay away.

Findings on Alleged Killing

The report does not support Mr. Rowe's accusation that John Doar, the former Assistant Attorney General for Civil Rights, instructed him to lie about the identity of an "eyewitness" in the Liuzzo case. Various documents show that Mr. Doar instructed Mr. Rowe to tell the truth about his doubts that Leroy Moton, a key Government witness, was with Mrs. Liuzzo when she died.

On the alleged death of the unidentified black man, the investigative force's report differs sharply with the findings of the Birmingham police. The police concluded from hospital records that Mr. Rowe shot, but did not kill, a black man named Thomas Lyman. The Federal force cited coroner's records stating that Mr. Lyman was hit by a piece of cement.

Mr. McFall, Mr. Rowe's handler in 1963, denied that Mr. Rowe reported the alleged incident to him in that year and that he refused to investigate. But the report confirms that Mr. Rowe recounted the alleged incident "five or six times" to an F.B.I. agent as early as 1965, according to his handler at that time, apparently Mr. Shanahan. Asked why he did not investigate, the agent told the task force, "By the time I heard the story, it was far enough removed in time that I didn't feel any overwhelming obligation to institute any investigation about it and I didn't."

Another agent, apparently Mr. Blake, told the Federal force that he permitted Mr. Rowe to hit citizens even though the informer's "fist was probably as dangerous as some dangerous weapons."

Jan. 12, 1981

The Director
Federal Bureau of Investigation

Philip B. Heymann
Assistant Attorney General
Criminal Division

PBH:THM:KBL:pk

Investigation of Leak of Rowe Report to Press

We request that the Bureau conduct an investigation into the facts surrounding the apparent unauthorized disclosure of the Rowe Task Force Report to the New York Times. Because of the content of that report, such an unauthorized disclosure raises the strong possibility of violations of not only the Privacy Act, 5 U.S.C. §552(a)(i)(l), but also Rule 6(e), Federal Rules of Criminal Procedure.

In a memorandum to the Criminal Division dated February 19, 1980, Michael Shaheen, Jr., Counsel, Office of Professional Responsibility (OPR), noted that on February 17 and February 18, the New York Times carried front-page stories written by its Birmingham, Alabama, based correspondent, Howell Raines, describing and discussing the contents of a report prepared by a Department of Justice Task Force investigating Gary Thomas Rowe. The Task Force, composed of Department of Justice attorneys and supervised by OPR, had been investigating alleged criminal conduct by Rowe during the mid 1960's while he was also an FBI informant on Ku Klux Klan activities in Birmingham, Alabama. The report included summaries of testimony given before a federal grand jury as well as information which, because it could lead to their identification, threatened the safety of other FBI informants and their families. The Task Force submitted its final report in July 1979, and then disbanded.

Despite a departmental decision to delay release of the report in any form at least until state criminal proceedings against Rowe arising from the murder of civil rights worker Viola Liuzzo could be resolved, the Birmingham office of the New York Times received a copy of that report. The identity of the source of the report, the means by which it was transmitted to the Times and the circumstances prompting the unauthorized disclosure are unknown.

We believe that the unauthorized disclosure of the sensitive contents of this report warrants investigation to resolve the questions raised above. We ask that the investigation include, although it certainly need not be restricted to the following:

1/12/81
FBI

1. An interview with each member of the Task Force concerning his/her knowledge of any facts related to the disclosure. The Task Force members were:

Ralph Hornblower, III;
Donald R. Burkhalter;
John R. Fieder;
William M. Logan;
Marydale Drury;

(Each member of the Task Force received a copy of the final report from OPR).

2. An interview with the following members of the Office of Professional Responsibility concerning the same:

Joseph F. Gross, Assistant Counsel
David P. Bobzien, Assistant Counsel
Robert E. Lyon, Assistant Counsel
[redacted] Paralegal
[redacted] Clerk-Typist

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To aid in your investigative effort, we also include a list of all the other individuals who received a copy of the final Task Force Report:

Director Webster, FBI
The Attorney General (Bell);
The Deputy Attorney General (Civiletti);
Michael J. Kelly, Counsellor to the Attorney General;
J. Philip Jordan, Special Assistant to the Attorney General;
Frederick Baron, Special Assistant to the Attorney General;
Charles F.C. Ruff, Associate Deputy Attorney General;
Paul R. Michel, Associate Deputy Attorney General;
John Farley, Attorney, Civil Division;
Allan Kornblum, Investigative Review Unit;
James P. Turner, Deputy Assistant Attorney General,
Civil Rights Division

As early in the investigation as possible, but at least before Ralph Hornblower, Director of the Task Force, is interviewed, please have the agent to whom this case is assigned call Kathie Levitz, the Criminal Division attorney to whom this case is assigned [redacted]. Please mark all investigative reports to her attention.

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4/8/80

Copies of the Rowe Task Force Report were issued as follows:

7/30/79 - Memo to Dir. Webster forwarding cy
Rowe Task Force Report

7/30/79 - Memo to AG forwarding cy Rowe Task
Force Report

7/30/79 - Memo to DAG forwarding cy of Rowe
Task Force Report

(Copies of memo and report to: Mike Kelly, Phil Jordan,
Frederick Baron, Charles Ruff and Paul Michel)

8/15/79 - Memo to John Farley, Civil Division w/cy
Rowe Task Force Report

10/13/79 - Buckslip to Alan Kornblum w/cy Rowe Task
Force Report

Special Agent, FBI, FBI Hq 4/8/80

4/8/80
4/8/80
b6
b7c

F B I

TRANSMIT VIA:

Teletype
 Facsimile
 AIRTEL

PRECEDENCE:
 Immediate
 Priority
 Routine

CLASSIFICATION:
 TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date 5/13/80TO: DIRECTOR, FBI (RPM:) RWM 3050, JEMFROM: WPSAC, NYO (137-9) (P)

GARY THOMAS ROWE, JR.
 U.S. DEPARTMENT OF JUSTICE
 TASK FORCE REPORT
 LEAKS TO PRESS;
 PRIVACY ACT;
 PERSONNEL MATTER

Re Bureau airtels to NYO dated 4/3/80 and 4/11/80.

Enclosed for New York is one copy of referenced 4/3/80 airtel for background information.

Pursuant to a Federal Grand Jury subpoena the below

2- Bureau
 2- New York (Enc. 1)
 1- NYO

JRF:aa/so
 (5)

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b7Cb3
b6
b7C

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE Omaha	OFFICE OF ORIGIN WFO	DATE 5/20/80	INVESTIGATIVE PERIOD 5/19/80
TITLE OF CASE GARY THOMAS ROWE, JR. DEPARTMENT OF JUSTICE TASK FORCE REPORT LEAK TO PRESS		REPORT MADE BY SA [redacted]	TYPED BY gms
		CHARACTER OF CASE PRIVACY ACT PERSONNEL MATTER	

REFERENCE: WFO airtel to Omaha, dated 5/8/80.

- RUC -

b6
b7C

ENCLOSURES:

Enclosed for WFO is the original FD-302 reflecting interview of JOSEPH F. GROSS at Omaha, Nebraska, on 5/19/80, by Special Agents [redacted]. Also enclosed are the original interview notes pertaining to the interview of GROSS.

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:	
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES			PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO	
								PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO	

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW		
----------	----------------------------	------------------------------	--	--

COPIES MADE:	(Attention: [redacted] 187-10) [redacted]			
2 - Bureau [redacted] Room 3050, JEH Building)				
2 - WFO (187-9) (Enc.-2)				
1 - Omaha (187-10)				

Dissemination Record of Attached Report					Notations
Agency	ICRP				
Request Recd.					
Date Fwd.	6-2-80				
How Fwd.	O708				
By	EENy				

68 JUL 03 1980 A*
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: SA [redacted] Office: Omaha, Nebraska
Date: 5/20/80 b6
b7C

Field Office File #: 187-10 Bureau File #:

Title: GARY THOMAS ROWE, JR.
DEPARTMENT OF JUSTICE
TASK FORCE REPORT
LEAK TO PRESS

Character: PRIVACY ACT
PERSONNEL MATTER

Synopsis:

Joseph F. Gross, Assistant United States Attorney (AUSA), District of Nebraska, Omaha, Nebraska, former Assistant Counsel with the Office of Professional Responsibility, Department of Justice, Washington, D. C., interviewed at Omaha, Nebraska, on May 19, 1980; Gross advised he had no knowledge of who was responsible or how the leak of the Department of Justice Task Force report in reference to Gary Thomas Rowe, Jr., was affected.

-RUC-

DETAILS:

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 5/20/80

Joseph F. Gross, Assistant United States Attorney (AUSA), District of Nebraska, Omaha, Nebraska, 215 North 17th Street, telephone [redacted] residing at [redacted] [redacted] telephone [redacted] furnished [redacted] the following information:

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Gross noted he was associated with the Office of Professional Responsibility (OPR), Department of Justice, Washington, D. C., from April or May of 1977, to approximately February of 1980 as an Assistant Counsel.

Gross advised he has no knowledge of who was responsible or how the leak of the Department of Justice Task Force report concerning Gary Thomas Rowe, Jr., was affected. Gross stated he did not personally believe that the releasing of the Task Force report to the media would serve any useful purpose.

Gross noted he had had access to drafts of the Task Force report, as well as the finished product. Gross stated that although the reports were controlled by copy numbers; that is, for example, one of five, two of five, et cetera, it would not have been unusual or against departmental regulations to take such materials from the office space of OPR. Gross further stated that he did not know if all copies of the report were accounted for on a daily basis within OPR.

Gross related there had been no meeting, official or unofficial, held at OPR to announce that the report would not be released to the public prior to the resolution of State charges against Rowe, but added that the timing of the leak coincided with the general decision made not to release the report.

[redacted]

[redacted]

Investigation on 5/19/80 at Omaha, Nebraska File # Omaha 187-10

by SA [redacted] SA [redacted] JWG:gms Date dictated 5/19/80

2*

F B I

TRANSMIT VIA:

Teletype
 Facsimile
 AIRTEL

PRECEDENCE:

Immediate
 Priority
 Routine

CLASSIFICATION:

TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date 6/6/80

TO DIRECTOR, FBI
 FROM SAC, ATLANTA (187-5) (RUC) (SQ 8)

GARY THOMAS ROWE, JR.,
 DEPARTMENT OF JUSTICE,
 TASK FORCE REPORT
 LEAK TO PRESS
 PRIVACY ACT
 PERSONNEL MATTER

Re WFO airtel to Bureau, 6/2/80.

Enclosed for WFO is the executed subpoena for

Enclosed subpoena was served on 6/5/80. to

would be mailed directly to Kathleen B. Levitz, Special Attorney, Public Integrity Section, Post Office Box 50168, F Street Station, Washington, D. C., 20004.

For info WFO, was advised of the subpoena return date of 6/10/80, and that if she should have any questions pertaining to said subpoena, she should telephonically contact Levitz at said stated telephone number.

2 - Bureau
 2 - WFO (Enc. 1)
 1 - Atlanta
 ARK/blp
 (5)

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Approved: ACT/kly Transmitted _____ Per _____
 (Number) (Time)

★ U. S. GOVERNMENT PRINTING OFFICE: 1980-305-750/5402

F B I

TRANSMIT VIA:

Teletype
 Facsimile
 AIRTEL

PRECEDENCE:

Immediate
 Priority
 Routine

CLASSIFICATION:

TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date 5/29/80b6
b7c

TO: DIRECTOR, FBI (ATTN:) ROOM 3050, JEH)

FROM: SAC, WFO (187-9) (P)

GARY THOMAS ROWE, JR.

DEPARTMENT OF JUSTICE

TASK FORCE REPORT

LEAK TO PRESS:

PRIVACY ACT

PERSONNEL MATTER

Re Bureau airtels to WFO dated 4/8/80 and 4/11/80.

Enclosed for Jackson are two copies each of the following:

- (1) Bureau airtel to WFO dated 4/8/80.
- (2) Bureau airtel to WFO dated 4/11/80.
- (3) Department of Justice, Office of Professional Responsibility, memo dated 2/19/80, with two copies of "New York Times" articles attached, dated 2/17 and 2/18/80.
- (4) Philip B. Heymann, Assistant Attorney General, Criminal Division, memo to FBI dated 3/11/80.

For the information of Jackson, the U.S. Department of Justice requested investigation regarding leak of Task Force Report to "New York Times" to include interviews of members of the Office of Professional Responsibility, U.S. Department of Justice.

2- Bureau
 2- Jackson (Enc. 8)
 1- WFO
 OLP:so

(5)

Approved:

Transmitted

(Number)

(Time)

Per

WFO 187-9

Jerry Davis, former Assistant Counsel, Office of Professional Responsibility, is now Assistant U.S. Attorney, Jackson, Mississippi.

LEADS

JACKSON

AT JACKSON, MISSISSIPPI. You are requested to assign a mature experienced Agent to interview Assistant U.S. Attorney Jerry Davis concerning any knowledge of the facts related to the disclosure.

Results of investigation should be submitted to the Bureau by report attention: Room 3050, JEH.

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F B I

TRANSMIT VIA:

Teletype
 Facsimile
 AIRTEL

PRECEDENCE:

Immediate
 Priority
 Routine

CLASSIFICATION:

TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date 12/13/80TO: DIRECTOR, FBI (ATTN: ROOM 3050, JEH)FROM: RG/MB SAC, WFO (187-9) (P)

GARY THOMAS ROWE, JR.
 DEPARTMENT OF JUSTICE
 TASK FORCE REPORT
 LEAK TO PRESS
 PRIVACY ACT
 PERSONNEL MATTER

Re Bureau airtel to WFO dated 4/8/80.

Enclosed for Birmingham are two copies of referenced airtel.

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b7cFor the information of Birmingham, WFO determined through U.S. Department of Justice (USDJ) Records, was used by the Task Force to transcribe interviews of key witnesses in January and February, 1979.

The USDJ Records also indicated that
 telephone number transcribed some interviews possible while she was associated with

LEADS

5

BIRMINGHAMAT Interview and determine if she who had access to the material was contacted by regarding the release of the results of the Task Force

2- Bureau
 3- Birmingham (Enc. 2)
 1- WFO
 OLP:so

NOV 14 1980

(6)

Approved: ATTransmitted _____
 (Number) (Time)

Per _____

WFO 187-9

_____ investigation. Determine if she has any knowledge of how
_____ obtained results of the Task Force investigation.

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b7C

AT _____ Interview _____

telephone number _____ if she is not presently
associated with _____ and determine if she
was contacted by _____ or if she has any know-
ledge of how _____ obtained the results of the Task Force
investigation.

F B I

TRANSMIT VIA:

Teletype
 Facsimile
 AIRTEL

PRECEDENCE:

Immediate
 Priority
 Routine

CLASSIFICATION:

TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date 12/11/80

TO: DIRECTOR, FBI
 (ATTN: Room 3050, JEH)

FROM: SAC, BIRMINGHAM (187-1)(RUC)

GARY THOMAS ROWE, JR.
 DEPARTMENT OF JUSTICE
 TASK FORCE REPORT
 LEAK TO PRESS
 PRIVACY ACT
 PERSONNEL MATTER

Re SAC airtel to Director, 11/13/80.

Enclosed for the Bureau are three copies of
 an LHM reporting interviews with and

Enclosed for WFO are two copies of above-described
 LHM and original interview notes with

1 C2P
 1 C2W
 070B
 EENly
 12/15/80

② - Bureau (Encls. 3)
 2 - WFO (Encls. 4)(187-9)
 1 - Birmingham
 WRH:mjl
 (5)

Approved: John R. Stoen Transmitted _____ Per _____
 (Number) (Time)

★ U.S. GOVERNMENT PRINTING OFFICE: 1980-305-750/5402

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b7C



*In Reply, Please Refer to
File No.*

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
Birmingham, Alabama
December 11, 1980

GARY THOMAS ROWE, JR.
DEPARTMENT OF JUSTICE
TASK FORCE REPORT
LEAK TO PRESS
PRIVACY ACT
PERSONNEL MATTER

Attached are interviews with [redacted]

and with [redacted]

A review of files in the Birmingham Office of
the Federal Bureau of Investigation shows that [redacted]

[redacted] Copies of correspondence in this matter were
furnished to the U. S. Department of Justice and the U. S.
Marshal's Office.

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b7C

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.

189-64-10
ENCLOSURE

FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION

-1-

12/11/80

Date of transcription _____

b6
b7C

[redacted] telephone
 [redacted] was furnished the identity of the interviewing agents and the purpose of this investigation. Thereafter, he furnished substantially the following information:

He does not recall that [redacted] transcribed any interviews for U. S. Department of Justice attorneys in January and February, 1979, in connection with GARY THOMAS ROWE, JR. He has no records which would re-enforce his memory.

He does recall transcribing testimony taken by a special Federal Grand Jury in Montgomery, Alabama, in the mid-1960s in connection with the murder of Mrs. VIOLA LIUZZO. He also recalls that, at a later time, he was contacted by an attorney from the Department of Justice regarding whether or not he could furnish another copy of the second volume of these proceedings. He remembers telling this attorney that he does not retain copies of his transcriptions or his notes.

He recalls that, [redacted] was employed by [redacted]

He has never been contacted by [redacted] regarding any work done by [redacted] for the U. S. Department of Justice. He does not know nor has he ever heard of [redacted]

Investigation on 11/26/80 at [redacted] File # BH 187-1
 by SA [redacted] & wrh:mjl Date dictated 12/2/80

FEDERAL BUREAU OF INVESTIGATION

-1-

12/11/80

Date of transcription _____

resides at [redacted] who [redacted] was furnished the identity of the interviewing agent and the purpose of this investigation. Thereafter, she furnished the following information:

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She is presently employed by [redacted]

[redacted]

She has never been contacted by [redacted]
[redacted] regarding this assignment. She has never heard
of [redacted]

Investigation on 12/3/80 at [redacted] File # BH 187-1
by SA [redacted] mjl Date dictated 12/3/80

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Airtel to SAC, WFO
RE: GARY THOMAS ROWE, JR.

Section of the Department of Justice was conducting an investigation.

The Department of Justice memorandum dated 3/11/80, set forth a request for the Bureau to conduct the investigation. On 4/4/80, FBIHQ personnel contacted Kathie Levitz and Mitch Mars, the two Public Integrity Attorneys assigned to the case. Levitz, the attorney in charge of the case for the Public Integrity Section, has her office in room 406 of the Federal Triangle Building, and her extension is [redacted]

[redacted] During the interview on 4/4/80, Levitz provided the following summary of information regarding her investigation to date: She stated she had conducted 4 interviews. She had interviewed Michael E. Shaheen, Jr., Richard M. Rogers, Jerry Davis, all of the Office of Professional Responsibility (OPR), Department of Justice, and also

[redacted] FBI, retired. Levitz offered her rough notes from these interviews, but was advised to consolidate them into a typed form so that she could provide them at a later date to the Bureau Agents investigating this case. Levitz advised she was leaving Washington, D. C., from 4/7 - 4/14/80. Prior to departure, she planned on dictating a memorandum for authorization to obtain [redacted]

[redacted] Levitz additionally stated she anticipated presenting information to the Federal Grand Jury by late April, 1980, [redacted]

On 4/8/80, FBIHQ personnel contacted Michael E. Shaheen, Jr., Counsel, Office of Professional Responsibility, U. S. Department of Justice. Also present during this contact was Mr. Richard M. Rogers of the OPR. In amplification of written information previously furnished, Mr. Shaheen advised that his records disclosed the following with regard to the dissemination of the Department of Justice Task Force report on Gary Thomas Rowe, Jr., dated July, 1979:

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